

PATENT APPLICATION #6

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Thomas ROITSCH

Application No.: 10/009,966

Filed: December 12, 2001

For: PROMOTER SYSTEM AND PRODUCTION AND USE OF THE SAME

Atty Docket: 3524.012

RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE
UNDER U.S.C. 371

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the Notification of Defective Response under U.S.C. 371, dated July 29, 2002, the period for response having expired on August 29, 2002, Applicant submits herewith:

1. A Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. 1.137(b), which includes the required statement that the entire delay in filing the required response was unintentional;
2. A fee of \$650 (small entity) under 37 C.F.R. 1.17(m) for the Petition of item (1),
3. A substitute paper copy and a compact disc of the corrected sequence listing prepared using PatentIn Software, version 3.2;
4. A Third Preliminary Amendment directing entry of the sequence listing into the specification;
5. A Statement of Conformity asserting that the paper and compact disc copies of the sequence listing are identical; and
6. A copy of the Notification of Defective Response.

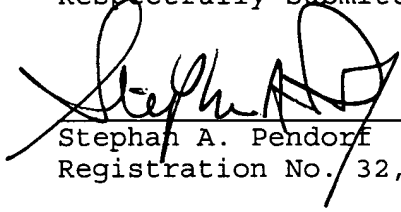
U.S. Application No.: 10/009,966
RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE
Attorney Docket: 3524.012

Applicant asserts that he is entitled to Small Entity status. A claim of small entity status was made at the time of filing (see transmittal letter).

The Examiner is respectfully requested to acknowledge receipt of the above documents.

Respectfully submitted,

PENDORF & CUTLIFF
P.O. Box 20445
Tampa, Florida 33622-0445
(813) 886-6085


Stephan A. Pendorf
Registration No. 32,665

Date: June 5, 2003

CERTIFICATE OF MAILING AND AUTHORIZATION TO CHARGE

I hereby certify that the foregoing **RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE UNDER U.S.C. 371** for U.S. Application No. **10/009,966** filed **December 12, 2001**, was deposited in first class U.S. mail, postage prepaid, addressed: Mail Stop PCT, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on **June 5, 2003**.

The Commissioner is hereby authorized to charge any additional fees, which may be required at any time during the prosecution of this application without specific authorization, or credit any overpayment, to Deposit Account No. 16-0877.


Bonnie L. Horst

**Petition For Revival Of An Application For Patent Abandoned
Unintentionally Under 37 CFR 1.137(b) (Small Entity)**

Docket No.
3524.012

In Re Application Of:

Thomas ROITSCH

Serial No.
10/009,966

Filing Date
December 12, 2001

Examiner
Formalities : Holland, T.

Group Art Unit
Not assigned

Invention:

PROMOTER SYSTEM AND PRODUCTION AND USE OF SAME

Attention: Office of Petitions
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper response to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extension of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee--required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. ☒ A proposed reply to the above-identified Office Action:

☒ is enclosed. ☐ was filed on _____

The proposed reply is in the form of: **Response to Notification of Defective Response: 371 Formalities**

2. ☐ The issue fee:

☐ is enclosed. ☐ was paid on _____

3. ☒ A small entity declaration:

☐ is enclosed. ☒ was filed on **December 12, 2001**

4. ☒ The abandoned application was a:

☐ design application. ☒ utility application. ☐ plant application.

5. ☐ A terminal disclaimer (and fee) disclaiming a period equivalent to the period of abandonment is enclosed.

6. ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

**Petition For Revival Of An Application For Patent Abandoned
Unintentionally Under 37 CFR 1.137(b) (Small Entity)**

Docket No.
3524.012

In Re Application Of:

Thomas ROITSCH

Serial No.

10/009,966

Filing Date

December 12, 2001

Examiner

Formalities : Holland, T.

Group Art Unit

Not assigned

Invention:

PROMOTER SYSTEM AND PRODUCTION AND USE OF SAME

Calculation and Payment of Fees

Enclosed are the following fees:

7. ☒ Petition fee under 37 CFR 1.17(m) in the amount of: \$650.00
8. ☐ Fee for amendment in the amount of: _____
9. ☐ Fee for extension of time to reply to Office Action in the amount of: _____
10. ☐ Issue fee in the amount of: _____
11. ☐ Continuing application filing fee in the amount of: _____
12. ☐ Terminal disclaimer fee in the amount of: _____
13. ☐ _____

Total fees enclosed: \$650.00

The fee of **\$650** is to be paid as follows:

- ☒ A check in the amount of the fee is enclosed.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to
Deposit Account No. **16-0877**

03/21/2003 EFREY1 00000095 10009966

03/21/2003

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**Petition For Revival Of An Application For Patent Abandoned
Unintentionally Under 37 CFR 1.137(b) (Small Entity)**

Docket No.
3524.012

In Re Application Of:

Thomas ROITSCH

Serial No.

10/009,966

Filing Date

December 12, 2001

Examiner

Formalities : Holland, T.

Group Art Unit

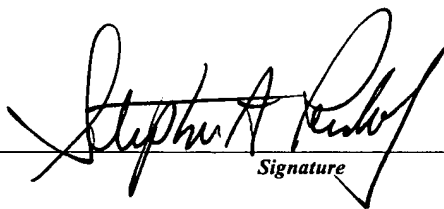
Not assigned

Invention:

PROMOTER SYSTEM AND PRODUCTION AND USE OF SAME

Statement

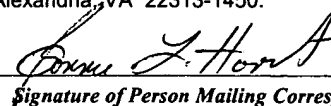
The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.


Signature

Stephan A. Pendorf, Registration No.: 32,665

Dated: **June 5, 2003**

I certify that this document and fee is being deposited on **June 5, 2003** with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Signature of Person Mailing Correspondence

Bonnie L. Horst

Typed or Printed Name of Person Mailing Correspondence

CC:

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE (.

In re Application of:

Thomas **ROITSCH**

Application No.: 10/009,966

Filed: **December 12, 2001**

For: **PROMOTER SYSTEM AND PRODUCTION AND USE OF THE SAME**

Atty Docket: **3524.012**

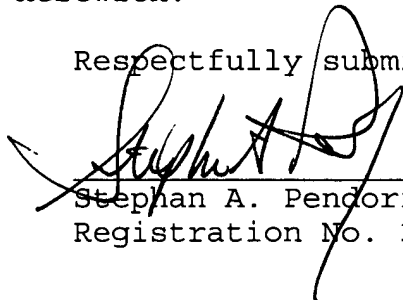
STATEMENT OF CONFORMITY

Mail Stop Sequence
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

It is hereby stated that the information recorded on the data carrier submitted herewith is identical to the written sequence listing submitted herewith.

Respectfully submitted,



Stephan A. Pendorf
Registration No. 32,665

PENDORF & CUTLIFF
P.O. Box 20445
Tampa, Florida 33622-0445
(813) 886-6085

Date: **June 5, 2003**

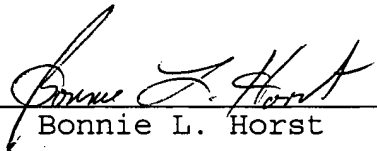
U.S. Patent Application No.: 10/009,966
Statement of Conformity

Attorney Docket: 3524.012

CERTIFICATE OF MAILING AND AUTHORIZATION TO CHARGE

I hereby certify that the foregoing **STATEMENT OF CONFORMITY** for U.S. Application No. **10/009,966** filed **December 12, 2001**, was deposited in first class U.S. mail, postage prepaid, addressed: Mail Stop Sequence, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on **June 5, 2003**.

The Commissioner is hereby authorized to charge any additional fees, which may be required at any time during the prosecution of this application without specific authorization, or credit any overpayment, to Deposit Account No. 16-0877.



Bonnie L. Horst

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Thomas ROITSCH

Application No.: 10/009,966

Filed: December 12, 2001

For: PROMOTER SYSTEM AND PRODUCTION AND USE OF THE SAME

Atty Docket: 3524.012

THIRD PRELIMINARY AMENDMENT

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

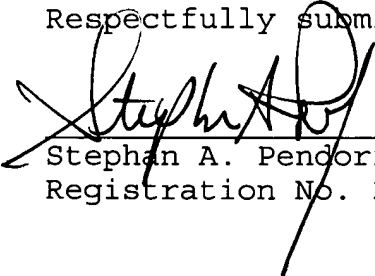
Sir:

Prior to examination of the above-identified application, please enter the substitute paper copy and compact disc containing the "Sequence Listing" into the specification.

Care has been taken to ensure that no new matter is added to the text.

Entry and favorable consideration prior to consideration are respectfully requested.

Respectfully submitted,


Stephan A. Pendorf
Registration No. 32,665

PENDORF & CUTLIFF
5111 Memorial Hwy
Tampa, Florida 33634-7356
(813) 886-6085

Date: June 5, 2003

U.S. Application No.: 10/009,966
SECOND PRELIMINARY AMENDMENT

Attorney Docket: 3524.012

CERTIFICATE OF MAILING AND AUTHORIZATION TO CHARGE

I hereby certify that the foregoing **PROMOTER SYSTEM AND PRODUCTION AND USE OF THE SAME** for U.S. Application No. 10/009,966 filed **December 12, 2001**, was deposited in first class U.S. mail, postage prepaid, addressed: Mail Stop PCT, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on **June 5, 2003**.

The Commissioner is hereby authorized to charge any additional fees, which may be required at any time during the prosecution of this application without specific authorization, or credit any overpayment, to Deposit Account No. 16-0877.



Bonnie L. Horst



UNITED STATES PATENT AND TRADEMARK OFFICE

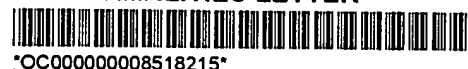
Commissioner for Patents, Box PCT
 United States Patent and Trademark Office
 Washington, D.C. 20231
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/009,966	Thomas Roitsch	3524/012

Pendorf & Cutliff
 501 First Avenue North
 Suite 507 Post Office Box 15095
 St Petersburg, FL 33733

INTERNATIONAL APPLICATION NO.	
PCT/DE00/01944	
LA. FILING DATE	PRIORITY DATE
06/13/2000	06/12/1999

CONFIRMATION NO. 3226
371 FORMALITIES LETTER



Date Mailed: 07/29/2002

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fee
- Priority Document
- Biochemical Sequence Diskette
- Biochemical Sequence Listing
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Oath or Declaration
- Preliminary Amendments
- Request for Immediate Examination

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

Additionally the following defects have been observed:

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):

- A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
 - **APPLICANT MUST PROVIDE:**
 - An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
 - For Rules Interpretation, call (703) 308-4216
 - To Purchase PatentIn Software, call (703) 306-2600
 - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov
 - Additional claim fees of **\$249** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$249** for a Large Entity:

- Total additional claim fee(s) for this application is **\$249**
 - **\$42** for **7** independent claims over 3.
 - **\$207** for **23** total claims over 20.
- A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

TAMALA D HOLLAND

Telephone: (703) 305-5483

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/009,966	PCT/DE00/01944	3524/012